



PTO/SB/36 (07-05)

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RESCISSON OF PREVIOUS NONPUBLICATION REQUEST
(35 U.S.C. 122(b)(2)(B)(ii))
AND, IF APPLICABLE,
NOTICE OF FOREIGN FILING
(35 U.S.C. 122(b)(2)(B)(iii))

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Application Number	09/930,582
Filing Date	August 15, 2001
First Named Inventor	Jonathan Stanley Harold Denyer et al.
Title	CONTROLLING DRUG DELIVERY APPARATUS
Atty Docket Number	102199-201
Art Unit	3731
Examiner	Michael G. Mendoza

A request that the above-identified application not be published under 35 U.S.C. 122(b) (nonpublication request) was included with the above-identified application on filing pursuant to 35 U.S.C. 122(b)(2)(B)(i). I hereby **rescind** the previous nonpublication request.

If a notice of foreign or international filing is or will be required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c), I hereby provide such notice. This notice is being provided no later than forty-five (45) days after the date of such foreign or international filing.

If a notice of subsequent foreign or international filing required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) was not filed within forty-five (45) days after the date of filing of the foreign or international application, the application is ABANDONED, and a petition to revive under 37 CFR 1.137(b) is required. See 37 CFR 1.137(f).

Signature

Date

William J. Speranza

26,340

Typed or printed name

Registration Number, if applicable

203-498-4400

Telephone Number

This request must be signed in compliance with 37 CFR 1.33(b).

If information or assistance is needed in completing this form, please contact the Pre-Grant Publication Division at (703)605-4283 or by e-mail at PGPub@USPTO.gov.

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop PG Pub, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

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Name (Print/Type) William J. Speranza

Date

July 20, 2005

This collection of information is required by 37 CFR 1.213(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PG Pub, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jonathan Stanley Harold Denyer Docket No.: 102199-201
et al.

Serial No.: 09/930,582 Art Unit: 3731

Filed: August 15, 2001 Examiner: Michael G. Mendoza

Assignee: Respiromics, Inc.

Title: CONTROLLING DRUG DELIVERY APPARATUS

**SUBMISSION ACCOMPANYING RESCISSION
OF PREVIOUS NONPUBLICATION REQUEST**

Mail Stop PG Pub
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Concurrently-filed in this application is completed form PTO/SB/36, "Rescission of Previous Nonpublication Request."

The current assignee of this application ("this '582 Application") is of the belief that the "Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i)," filed on August 15, 2001 concurrent with the filing of the present application, may have been inappropriate. This application, as filed on behalf of the previous assignee, is a continuation-in-part of prior U.S. Patent Application Ser. No. 09/781,610, filed February 12, 2001 ("the '610 Application"). The '610 application, in turn, claimed priority to a UK application for patent, No. GB003197.1, filed February 11, 2000, and a claim for priority to this UK application also was made in this '582 Application.

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Date: July 20, 2005

Signed: 
William J. Spurzina

The newly-added subject matter which was presented in this '582 Application had not been made the subject of, or had otherwise been disclosed in, any prior foreign patent application. It is the current assignee's understanding that this was the reason why it was considered proper to file a Nonpublication Request and why the attorney of record at that time considered it accurate to certify therein "that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication after eighteen months after filing" (emphasis in original). *See* "Affidavit of Michael K. Kinney," appended hereto.

The current assignee nevertheless is unsure whether the Nonpublication Request was appropriate in these circumstances. Out of an abundance of caution, then, the assignee, through its appointed counsel below, is hereby **rescinding** the Nonpublication Request.

Still further, the current assignee is concurrently-filing herewith a "Request for Early Publication" so as to accelerate the publication of the application to the fullest extent possible.

Respectfully submitted,

Date: July 20, 2005



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